

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Ramon Batista & Idalia Tejada,

Plaintiffs,

V.

Monarch Recovery Management, Inc.,

Defendant.

Case No.1:12-cv-11427

COMPLAINT

Ramon Batista & Idalia Tejada (Plaintiffs), by their attorneys, allege the following against Monarch Recovery Management, Inc. (Defendant):

INTRODUCTION

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Because Defendant conducts business in Massachusetts, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiffs are natural persons residing in Peabody, Massachusetts.
6. Plaintiffs are consumers as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiffs allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiffs.
8. Defendant is a collection agency with a main business office in Philadelphia, Pennsylvania.
9. Defendant is a corporation that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant places collection calls to Plaintiffs seeking and demanding payment for an alleged debt.
12. Plaintiffs' alleged debt owed arises from transactions for personal, family, and household purposes.

13. In April 2012, Defendant placed collection calls to Plaintiffs' telephone number ending in -3191.
14. Defendant called Plaintiffs and left a voicemail message on Plaintiffs' answering machine. *See* transcription attached as Exhibit "A."
15. In the voicemail message, Defendant's representative, "Amanda," failed to state that the call is from a debt collector. *Id.*
16. In the voicemail message, Defendant's representative, "Amanda", directed Plaintiffs to call her back at 215-613-0976 or 800-220-0605, extension 2513, which is a number that belongs to Defendant. *Id.*
17. No further information is provided in the voicemail recording, and Plaintiff therefore has no meaningful way of knowing the identity of the caller or the purpose of the call.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT
COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:
- a. Defendant violated § 1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant did not provide the identity of the caller or the nature of the debt;
 - b. Defendant violated § 1692e of the FDCPA by engaging in conduct which was false, deceptive, or misleading;
 - c. Defendant violated § 1692e(11) of the FDCPA by failing to disclose that

the call was from a debt collector.

Wherefore, Plaintiffs, Ramon Batista & Idalia Tejada, respectfully requests judgment be entered against Defendant, Monarch Recovery Management, Inc. for the following:

19. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

21. Any other relief that this Honorable Court deems appropriate.

Dated: August 2, 2012

RESPECTFULLY SUBMITTED,

By: /s/David R. Jackowitz
David R. Jackowitz, B.B.O. No. 567279
Shaevel & Krems, LLP
141 Tremont Street
Boston, MA 02111
Telephone: (617) 556-0244
Fax: (617) 556-0284
djackowitz@shaevelkrems.com
Attorneys for Plaintiffs.